



In the United States Patent and Trademark Office

Application No.: 10/780,831

Application Filed: February 18, 2004

Applicant: Roger Hewson

Title: Developing the Twelve Cognitive Functions of Individuals

Examiner: Nikolai A. Gishnock

Mailed: October 31, 2008

South Casco, Maine

DECLARATION #2 IN SUPPORT OF APPLICANT'S AMENDMENT #3
OF THIS DATE UNDER 37 CFR §1.132

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

1. My name is Roger Hewson. I reside in Raymond, Maine. I am a United States citizen.
2. I am an interested party in this invention as the inventor.
3. I am a graduate Civil Engineer from McGill University in Montreal, Canada.
4. I have directly employed and supervised the hiring of a total of over 800 individuals in my wholly owned companies, and have been the chief executive of these companies for a total of over 40 years. My first business was Hewson Construction Ltd., which built many large office buildings, warehouses, and high-rise structures. My later business

was Sabre Yachts, which built over 1600 ocean cruising yachts up to 42 ft in length. I retired from this company in 1993, the year before starting this cognitive research project.

5. I founded the Paragon Leadership Institute, my private Maine Corporation, in 1992. This organization is solely dedicated to the research and documentation of executive leadership training and development programs.

My principle activity since 1994 has been developing the Cognitive Architecture System of Twelve Cognitive Functions covered by this patent application, requiring over 10,000 hours of my research and development time over the ten-year period from 1994 to 2004 which included extensive research of prior art and other publications, and extensive trial-and-error experimentation to find the ideal structure of this invention.

6. This Declaration #2 is to be read in conjunction with the Applicant's Declaration of 12-31-07, which provides further supporting information on this Application and its Amendments.

7. I have used the word "*Applicant*" in place of the word "*I*" in the following text to correspond with the language of my Amendment #3 submitted on this date. This text should be read as if the words "*I*", "*me*" or "*my*" are interchangeable with the word Applicant.

8. **The purpose of this second Declaration #2 is to validate that:**

- a. The Applicant has clearly established his expertise in earlier research work on four major research projects before starting research on this project;
- b. The Applicant has achieved an "*expert*" status in the executive leadership development field of this invention, not just "*one of ordinary skill in the art*;"
- c. The research and experimentation leading up to this invention was dependent on the thoroughness and skill of the Applicant's expertise in the field;
- d. The scientific validation of the underlying principles of this invention has been established by research and experimentation prior to 2004, and by the further

thousands of hours of additional research by the Applicant since the Application was filed in 2004.

9. The Applicant explicitly established his status as an “expert” researcher in each the four different fields of yacht racing, sailboat design, powerboat design, and yachtbuilding before initiating this ten-year research project on cognition.

- a. In the 1950s and 1960s, the Applicant extensively researched the field of sailing yacht racing and gained “expert” recognition in this field without ever receiving or participating in professional yacht racing instruction. This is a cognitive ability rather than physical sport.
 - i. The Applicant came within one position in the final race of a seven race series of being selected to participate in the 1960 Olympics in Italy, finishing second in this Olympic class selection series.
 - ii. Over the years, the Applicant received over 34 trophies for his yacht racing success in local, regional, and international competitions in fleets of up to 50 sailboats and in more than six different models of sailboat.
- b. The Applicant extensively researched the field of sailing yacht design in the 1960s to 1980s and gained “expert” recognition in this field without ever receiving or participating in professional sailing yacht design instruction or employing professional sailboat designers.
 - i. The Applicant designed 13 different models of production cruising sailboat, each a commercial success with substantial production runs, and with over 400 units of some models produced.
 - ii. More than 1600 sailing yachts have been built to the Applicant’s designs.
 - iii. Applicant’s 28ft Sabre sailboat design was inducted into the American Sailboat Hall of Fame in 2003, more than 30 years after its initial design and after the production of more than 580 boats to this design.

- iv. The Applicant's 26ft Sabre sailboat design was selected as the one-design class for the North American Men's Sailing Championship series for the Mallory Cup in 1967.
 - v. The Applicant's 34ft Sabre sailboat design was selected as the "Boat of the Year" in its class by *Sailing World* magazine in 1987.
- c. The Applicant extensively researched the field of motoryacht design in the 1960s to 1990s and gained "expert" recognition in this field without ever receiving or participating in professional motoryacht design instruction or employing professional motoryacht designers.
- i. His initial 36ft motoryacht design achieved international acclaim and sales.
 - ii. Over 600 motoryachts up to 52ft in length have now been built by the company the Applicant founded, all based on the motoryacht design principles developed by the Applicant.
- d. The Applicant extensively researched the field of sailing yacht construction in the 1960s and 1970s, and he gained "expert" recognition in this field without receiving professional yacht construction instruction or employing professional yacht builders.
- i. The yachtbuilding company he founded, Sabre Yachts, built and sold over 1600 ocean cruising yachts from 28ft to 42 ft in length during his ownership.
 - ii. For the full 15 years after the Applicant retired, the company he founded has continued to prosper and now has built over 2500 ocean cruising yachts from 26 ft to 52 ft in length.
10. The Applicant is an "expert" in the executive leadership development field of this invention, not just "one of ordinary skill in the art." The Applicant has been recognized by a number of major public institutions for his exceptional expertise in the field of executive development and executive leadership over a more than **30-year** time

span. This deserves to be given evidentiary weight in accordance with MPEP 2143.03-III, which states: *"The importance of resolving the level of one of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry. The examiner must ascertain what would have been obvious to one of ordinary skill in the art at the time the invention was made, and not to the inventor, a judge, a layman, those skilled in remote arts, or geniuses at the art in hand."*

MPEP 716.01(a) states: *"evidence rising out of 'secondary considerations' must always when present be considered on route to the determination of obviousness."*

MPEP 2144.08-II-A-3 states: *"[E]vidence must be viewed from one of ordinary skill in the art, not an expert."* This MPEP adds: *"However, any additional evidence [regarding expert status] presented by the applicant should be evaluated."*

- a. The Applicant was elected **President** of the **Executive Development Institute (EDI)** while residing in Montreal, Canada, in 1970, more than 30 years preceding the date of this invention.

He was chosen over the very many executives eligible for this position based on his expertise and accomplishments in the executive development field.

This organization had about 400 executive level attendees per year in its programs, with 31 multi-session management courses, and 8 daylong seminars. Its teaching style was based on the Harvard Business School case study method.

The stature of this organization is validated by the fact that both **Dean George P. Baker** of the **Harvard Business School**, and **Dean J.J. Wettlaufer** of Canada's premier business school at the **University of Western Ontario**, were honored guests at the EDI 20th Anniversary Celebration dinner in May 1970. They were seated at the head table next to the Applicant as president of the organization. Hundreds of prominent executives attended this event.

Further evidence of the stature of this organization was that **President Robert C. Scrivener** of the **Bell Telephone Company of Canada** was Chairman of this organization at that time.

- b. The Applicant was chosen as **Small Business Person of the Year** in 1985, 19 years before this invention, for both the **State of Maine** and the **six-state New England Region**.

He was selected over the very many eligible executives in the State of Maine by a panel of SBA judges in Maine, and was further selected for the overall New England award by a panel of SBA judges in Boston, based on his expertise and accomplishments in the executive leadership field.

The stature of this award is indicated by the Applicant being honored in the **Benjamin Franklin Room in The White House** in Washington with a photograph of him shaking the hand of **Administrator James C. Sanders** of the **SBA** that now hangs on the wall of the Applicant's office.

- c. The Applicant was chosen as **Chairman** of the Maine Delegation to the **White House Conference on Small Business** in 1986 by the hundreds of delegates at the Maine's Blain House Conference on Small Business sponsored by the legislature of the State of Maine.

The stature of this award is indicated by the Applicant being honored in the **Benjamin Franklin Room in The White House** in Washington with a photograph of him shaking the hand of **President Ronald Reagan** that now hangs on the wall of the Applicant's office.

- d. The Applicant was awarded the **1987 Innovation Award** by the **Smaller Business Association of New England**, over the many business executives in New England eligible for this award.

- e. The Applicant was elected **Chairman** of the **National Sailing Industry Association** in 1986, over the many of individuals eligible for this position, based on his proven expertise in the executive leadership field.

- f. The Applicant was chosen by the **Federal Reserve Bank of Boston** to be a **member of their Business Advisory Council** from 1989 to 1994. He was twice chosen as one of only two individuals to represent the bank's New England Region at **Business Advisory Conferences in Washington** with the Federal Reserve Bank's board of directors and **Chairman Alan Greenspan**.
 - g. The Applicant was appointed by **Governor Angus King of Maine** to a five-person **Citizens Oversight Committee** to participate with **Nuclear Regulatory Commission** officials and **Maine Yankee Atomic Power Plant** officers in the review of Maine Yankee management practices in 1996. This review led to the **shutting down of this nuclear power plant** due to the discovery of an extended period of poor management and dangerous maintenance deficiencies.
 - h. **Governors Baldacci, Brennan and McKernan of Maine** each honored the success of the Applicant's company, **Sabre Yachts**, by traveling many miles to attend company events.
 - i. The Applicant was chosen as an **officer or director** of over 10 additional business and/or management development organizations, including the **Maine State Chamber of Commerce**, the **Greater Portland Chamber of Commerce**, the **Strategic Leadership Forum** Boston chapter, and the **Smaller Business Association of New England**.
11. The research and experimentation leading up to this invention was dependent on the thoroughness and skill of the Applicant's exceptional expertise as an "expert" in the field of executive leadership development, not *"merely the work of one of ordinary skill in the art."* The Applicant's more than 40 years of experience in the field, and the extensive research and experimentation leading up to this invention, included the following stages:

- a. This research and experimentation deserves to be given evidentiary weight in accordance with MPEP 716.05 which states: *"[T]he five to six years of research that preceded the claimed invention....is entitled to fair evidentiary weight."*
- b. The Applicant's initial research in this field was the experience gained in directly employing and supervising the hiring of a total of over 800 individuals in his wholly owned companies, and being the chief executive of these companies for a total of over 40 years.
- c. Research into executive profiles and capabilities was gained in the Applicant's interaction with executive level clients in supervising many dozens of major industrial and commercial building projects built by his company, Hewson Construction Ltd., and interacting with executive level customers purchasing over 1600 luxury yachts up to 42 feet in length produced by the Applicant's company, Sabre Yachts, over a 20 year period.
- d. The Applicant participated in a large number of executive development programs before starting the research on this invention, including those of The Executive Development Institute, Dartmouth College, and the Smaller Business Association of New England.
- e. Since retiring from active employment in 1993, the Applicant attended a number of major seminars for the sole purpose of researching this invention, and at his own personal expense. This included travel to, and attendance at, six major multi-day executive development seminars by:
 - i. *The Center for Psychological Type (CAPT)* in Chicago IL, Worcester MA, and Atlanta GA;
 - ii. *Harvard University* in Cambridge MA;
 - iii. *Northwestern University* in Evanston IL;
 - iv. *The American Management Association* in Hartford CT;

- v. *Information Mapping* in Boston MA; and
- vi. *Babson College* in Wellesley MA.

In addition, the Applicant has attended a multitude of lesser seminars directly related to the subject matter of this invention and its documentation.

- f. The Applicant substantially read, researched, and highlighted over 350 books on leadership, management, psychology, and neuroscience, all of which are sorted by category and cataloged with library style reference labels in the applicant's office. Also, this research effort included reading, studying, and highlighting relevant passages of many hundreds of business journals and business magazines, such as the Harvard Business Review, MIT Sloan Management Review, Fortune, and Business Week.

All of these are currently filed in the Applicants personal business library.

- g. A total of 1178 reference entries were made on an Excel spreadsheet through 2004, cataloging items solely related to this invention, from the Applicant's non-fiction library of books and relevant management journal articles.

This cataloging of reference entries was by individual topics of the invention, and included the text of the reference item. Each entry further included the title, author, publisher, copyright date, and library-style book reference number of the reference.

All of the mentioned publications are currently shelved in the Applicant's office by category. This library has expanded substantially since 2004, and now totals 983 non-fiction books and many hundreds of business journals and magazines, all related to management topics and the subject matter of this invention.

12. The Applicant's research and experimentation has included constant validation of the underlying principle of this invention, both during the 10-year evolution of this invention and during the four years since. This underlying

principle includes the discovery and definition of twelve cognitive functions covering the full spectrum of cognitive behaviors and actions, scientifically sorted into two sets of six cognitive functions sharing similar characteristics, and further sorted into six pairs of cognitive functions with complementary but polar opposite attributes.

This principle also includes identifying that the readily observable and distinct cognitive traits of all behaviors and actions of individuals can be attributed to one of the twelve cognitive functions, can be a subset of a specific function, or can be attributed to a combination of functions.

- a. Validating the underlying principle of this invention has been an ongoing testing activity all through the ten-year evolution of this invention. This validation involved a constantly repeated cycle of "research-experiment-modify-test" refinement of the invention to assure the validity of each element of this invention.
- b. Since the initial discovery of this invention, this validation has been in the form of:
 - (1) interviewing a large number of prominent executives including business presidents, business owners, and management consultants;
 - (2) having a large number of prominent executives, including business presidents, business owners, and management consultants, completing a preference survey of the twelve cognitive functions similar to the one included in the Application for this invention;
 - (3) researching both biography books and articles on the executive activities of many prominent chief executives, such as Jack Welch of GE, Sam Walton of Walmart, Ted Turner of CNN fame, and A. G. Lafley of Proctor & Gamble, to identify their correct use or misuse of each of the twelve cognitive functions in observable actions and behaviors;
 - (4) and further validation through my own experience in observing the actions and behaviors of well over a thousand individuals and executives through the years.

- c. Since the Application filing date of this invention in 2004, the Applicant has invested thousands of additional hours into the further validation and documentation of the underlying principles of this invention.
- d. This ongoing validation process has relentlessly continued with the additional cataloging of over 250 pages of notes with over 4000 additional new research references directly related to this invention and its documentation. This includes references on each of the twelve cognitive functions and their interaction in column sets and pairs. It includes many hundreds of explicit examples of the: (1) correct use of each of the cognitive functions; (2) the misuse through the inappropriately excessive use of each of the cognitive functions; and (3) the misuse through the deficiency in using each of the cognitive functions.

Each book reference is cataloged by text of reference item, topic, author, copyright date, and page number, and each journal reference item is cataloged by text of reference item, topic, publication name, date, and page number.

- e. Since this 2004 filing date, the Applicant has substantially read, researched, and highlighted over 65 additional books, in addition to the more than 350 previously researched, on the topics of leadership, management, psychology, and neuroscience. In addition, the regular research review of journals such as the *Harvard Business Review* has relentlessly continued.
- f. This further validation process has included the thorough investigating of numerous other evaluation processes and psychological tests to ascertain that: (1) they do not satisfy the underlying scientific principle of this invention; (2) they do not make this invention obvious as this would invalidate a patent on this invention; and (3) further validating that this invention as claimed does satisfy its underlying scientific principle

- g. This ongoing validation process has explicitly proven the validity of the underlying principles of this invention as described above.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fines or imprisonment, or both, and that such willful false statements may jeopardize the validity of his application or any patent issued.

Signed Roger D. Hewson Date OCTOBER 31, 2008

Roger D. Hewson
22 Hewson Rd
P.O. Box 38
South Casco, ME 04077
Weekday Tel: 207-655-6000
Evening Tel: 207-655-3658
Fax: 207-655-6006